

## REMARKS

Reconsideration of this application in view of the above amendments and the remarks below is respectfully requested. Claims 1, 21, and 29 have been amended. Claims 6, 26, and 34 have been canceled. Thus, Claims 1-5, 7-25, 27-33, 35, and 36 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Claims 21-28 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. In response, Claim 21 has been amended.

Claims 1-36 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,874,099 to Balasubramanian et al. (Balasubramanian). The rejection is respectfully traversed.

Claim 1 recites, *inter alia*, that the step of aggregating responses further comprises filtering the responses according to a template; and organizing the responses in a format that conforms to a format of the template. Claims 21 and 29 recite similar language.

Conversely, Balasubramanian does not disclose aggregating responses, does not disclose or suggest the use of templates, and thus can not disclose filtering responses according to a template. The portions of Balasubramanian relied upon by the Office Action to address this feature are silent as to the claimed aggregating responses, templates, and filtering responses. Instead, Balasubramanian discusses retrieving data for analysis, data mining, and recording results in a datastore. Because Balasubramanian's integrated monitoring system does not have these features, it is not possible for Balasubramanian to anticipate Claim 1.

For at least the above reasons, the rejection of Claims 1, 21, and 29, as well as all claims dependent therefrom, is invalid and should be withdrawn.

Claim 9 recites, *inter alia*, queries being issued in an automatically established sequence. The portions of Balasubramanian relied upon by the Office Action to address this feature are silent as to queries being issued in an automatically established sequence. Instead, Balasubramanian discusses first and second test signals. Because Balasubramanian's integrated monitoring system does not have these features, it is not possible for Balasubramanian to anticipate Claim 1.

For at least the above reasons, the rejection of Claim 9, as well as all claims dependent therefrom, is invalid and should be withdrawn.

Claim 13 recites a data aggregation engine that aggregates responses to a selectable list of queries for a plurality of scenarios on the network from a plurality of applications on the network devices; and a sequence engine that automatically evaluates the responses to formulate corrective actions to address the scenarios for the applications.

In rejecting this claim, the Office Action stipulated that the rejection of these apparatus claims would be "under the same rationale" as the rejection of the method claims 1-8. However, the rejection of Claims 1-8 did not stipulate which specific portions Balasubramanian's integrated monitoring system allegedly perform the claimed steps, so it is unclear which portions of Balasubramanian allegedly anticipate the claimed apparatus features. In rejecting a claim, the grounds of that rejection must be fully and clearly stated. See MPEP § 707.07(d).

For at least the above reasons, the rejection of Claim 13, as well as all claims dependent therefrom, is invalid and should be withdrawn.

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time for one month, and otherwise to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for

extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,  
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